

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

THIRTY-FIRST LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 11, 2009

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 66 members present.

Absent and excused – Jarvis, McGeachin, Patrick, Takasugi.
Total – 4.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Mark Bruzas, Page.

Approval of Journal

February 11, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirtieth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

Consideration of Messages from the Governor and the Senate

February 10, 2009

Mr. Speaker:

I transmit herewith [S 1043](#), [S 1047](#), and [S 1048](#) which have passed the Senate.

WOOD, Secretary

[S 1043](#), [S 1047](#), and [S 1048](#) were filed for first reading.

Report of Standing Committees

February 11, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HR 2](#), [HCR 14](#), [HCR 15](#), [H 85](#), [H 86](#), [H 87](#), [H 88](#), [H 89](#), [H 90](#), [H 91](#), and [H 92](#).

CLARK, Chairman

[HR 2](#), [HCR 14](#), and [H 87](#) were referred to the Judiciary, Rules, and Administration Committee.

[HCR 15](#), [H 88](#), [H 89](#), [H 90](#), [H 91](#), and [H 92](#) were referred to the Business Committee.

[H 85](#) and [H 86](#) were filed for second reading.

February 10, 2009

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [S 1009](#) and recommend that it do pass.

WOOD, Chairman

[S 1009](#) was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 16 BY ENVIRONMENT, ENERGY, AND TECHNOLOGY COMMITTEE

A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF ENERGY, ENVIRONMENT AND TECHNOLOGY AND TO MONITOR THE INTEGRATED STATE ENERGY PLAN AND OTHER ISSUES.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, for the past twelve years, the Legislature has adopted concurrent resolutions that authorized the Legislative Council to appoint a committee to undertake and complete a study of energy, environment and technology related issues from both the statewide perspective and the national perspective and to submit a final report to the Idaho Legislature; and

WHEREAS, in 2006 the Legislature felt the state of Idaho needed to have an integrated state energy plan that provides for the state's power generation needs and protects the health and safety of the citizens of Idaho and the products produced in this state; and

WHEREAS, Idaho has substantial power needs in the near future, and the goal of the 2007 Integrated State Energy Plan is to ensure that those needs will be met; and

WHEREAS, it is the goal of the 2007 Integrated State Energy Plan to maintain the health, safety and welfare of Idaho's citizens, the quality and financial security of existing agricultural businesses and industries, the economic growth of the state of Idaho, and the environmental quality and natural resources of this state; and

WHEREAS, it is the goal that the 2007 Integrated State Energy Plan be a living, vibrant document; and

WHEREAS, the committee met in 2007 and 2008 and monitored the 2007 Integrated State Energy Plan, followed the fluctuation in petroleum prices and heard testimony regarding issues facing regulated utilities, municipal utilities and cooperatives.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized to appoint a committee

to undertake and complete a study of the 2007 Integrated State Energy Plan that provides for the state's power generation needs and protects the health and safety of the citizens of Idaho and the products produced in this state, and make any recommendations for necessary changes in both state law and the plan regarding energy in the state and to monitor other energy, environment and technology related issues. The Legislative Council shall determine the number of legislators and membership from each house appointed to the committee and shall authorize the committee to receive input, advice and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that nonlegislative members of the committee may be appointed by the cochairs of the committee who are appointed by the Legislative Council. Nonlegislative members of the advisory committee shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges regarding the committee's recommendations or proposed legislation.

BE IT FURTHER RESOLVED that the committee shall make a progress report to the Second Regular Session of the Sixtieth Idaho Legislature and report its findings, recommendations and proposed legislation, if any, to the First Regular Session of the Sixty-first Idaho Legislature.

HOUSE CONCURRENT RESOLUTION NO. 17

BY TRANSPORTATION AND DEFENSE COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULEMAKING DOCKET OF THE TRANSPORTATION DEPARTMENT RELATING TO RULES GOVERNING REGISTRATION AND PERMIT FEE ADMINISTRATION.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rulemaking docket of the Transportation Department relating to Rules Governing Registration and Permit Fee Administration is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 39.02.22, Rules Governing Registration and Permit Fee Administration, Rules of the Transportation Department, adopted as a pending rule under Docket Number 39-0222-0801, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

[HCR 16](#) and [HCR 17](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 93

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLE LEASE AND RENTAL TAX; AMENDING SECTION 63-3613, IDAHO CODE, TO REVISE THE DEFINITION OF "SALES PRICE"; AMENDING TITLE 63, IDAHO CODE, BY THE ADDITION

OF A NEW CHAPTER 46, TITLE 63, IDAHO CODE, TO PROVIDE DEFINITIONS, TO PROVIDE FOR A MOTOR VEHICLE LEASE AND RENTAL TAX, TO PROVIDE FOR CERTAIN EXEMPTIONS, TO PROVIDE FOR DEPOSIT OF MONEYS, TO PROVIDE FOR REGISTRATION, RETURNS AND PAYMENTS, TO PROVIDE FOR CERTAIN TAXES AS STATE MONEYS, TO PROVIDE THAT THE TAX COMMISSION SHALL ENFORCE PROVISIONS OF THE MOTOR VEHICLE LEASE AND RENTAL TAX AND TO PROVIDE FOR RULES, TO PROVIDE FOR REFUNDS, LIMITATIONS AND INTEREST, TO PROVIDE FOR DEFICIENCY DETERMINATIONS, TO PROVIDE FOR CERTAIN INTEREST, TO PROVIDE FOR A PERIOD OF LIMITATION, TO PROVIDE FOR ADDITIONS AND PENALTIES, TO PROVIDE FOR AUTHORITY OF THE TAX COMMISSION TO ENTER INTO CERTAIN AGREEMENTS AND TO PROVIDE FOR COLLECTION AND ENFORCEMENT.

HOUSE BILL NO. 94

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO TRANSPORTATION AND MOTOR FUEL TAXES; AMENDING SECTION 36-104, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 40-109, IDAHO CODE, TO DEFINE A TERM AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 40-701, IDAHO CODE, TO REVISE THE APPORTIONMENT FROM THE HIGHWAY DISTRIBUTION ACCOUNT AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 7, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-701A, IDAHO CODE, TO PROVIDE FOR THE IDAHO HIGHWAY, BRIDGE AND RAILROAD CROSSING FUND, TO PROVIDE FOR MONEYS CREDITED TO THE FUND, TO PROVIDE FOR INTEREST, TO PROVIDE FOR CONTINUOUS APPROPRIATION, TO PROVIDE FOR APPORTIONMENT OF MONEYS FROM THE FUND AND TO PROVIDE FOR A REPORT; AMENDING SECTION 63-2402, IDAHO CODE, TO REVISE THE TAX UPON MOTOR FUEL AND TO PROVIDE EFFECTIVE DATES; AND AMENDING SECTION 63-2424, IDAHO CODE, TO REVISE CERTAIN FEES RELATING TO VEHICLES POWERED BY GASEOUS FUELS AND TO PROVIDE EFFECTIVE DATES.

HOUSE BILL NO. 95

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO THE HIGHWAY DISTRIBUTION ACCOUNT; AMENDING SECTION 40-701, IDAHO CODE, TO REVISE DISTRIBUTIONS FROM THE HIGHWAY DISTRIBUTION ACCOUNT AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 96

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO FUELS; AMENDING SECTION 63-2407, IDAHO CODE, TO DELETE CERTAIN DEDUCTIONS.

HOUSE BILL NO. 97

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLES AND TRAFFIC; AMENDING CHAPTER 14, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1421A, IDAHO CODE, TO PROVIDE FOR DRIVING A VEHICLE IN A HIGH OCCUPANCY VEHICLE LANE, TO PROVIDE FOR EXCEPTIONS, TO PROVIDE FOR PENALTIES AND TO DEFINE A TERM.

HOUSE BILL NO. 98

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-402, IDAHO CODE, TO REVISE ANNUAL REGISTRATION FEES FOR CERTAIN VEHICLES, TO PROVIDE FOR ANNUAL REGISTRATION FEES FOR CERTAIN VEHICLES AND TO PROVIDE EFFECTIVE DATES; AMENDING SECTION 49-402A, IDAHO CODE, TO REVISE UTILITY TRAILER REGISTRATION FEES, TO PROVIDE FOR UTILITY TRAILER REGISTRATION FEES AND TO PROVIDE EFFECTIVE DATES; AMENDING SECTION 49-402B, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 49-411, IDAHO CODE, TO REVISE VALIDATION FEE PROVISIONS RELATING TO DEALER AND MANUFACTURER PLATES, TO PROVIDE VALIDATION FEE PROVISIONS RELATING TO DEALER AND MANUFACTURER PLATES AND TO PROVIDE EFFECTIVE DATES; AMENDING SECTION 49-426, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 49-432, IDAHO CODE, TO REVISE SPECIFIED PERMIT FEES, TO DELETE REFERENCE TO CERTAIN PERMIT FEES, TO PROVIDE CERTAIN PERMIT FEES, TO PROVIDE CODE REFERENCES AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 49-434, IDAHO CODE, TO DELETE REFERENCE TO CERTAIN REGISTRATION FEES, TO PROVIDE CERTAIN REGISTRATION FEES, TO PROVIDE CORRECT CODE REFERENCES, TO REVISE CERTAIN REGISTRATION AND ADMINISTRATIVE FEES, TO PROVIDE EFFECTIVE DATES, TO PROVIDE OPTIONS TO CERTAIN ANNUAL REGISTRATIONS AND TO SPECIFY PROCESS PROVISIONS, TO PROVIDE FOR ADMINISTRATIVE FEES, TO DELETE REFERENCE TO PROVISIONS RELATING TO REGISTRATION FEES FOR COMMERCIAL AND FARM VEHICLES, TO PROVIDE FOR REGISTRATION FEES FOR COMMERCIAL AND FARM VEHICLES, TO REVISE FEE PROVISIONS RELATING TO SPECIFIED COMMERCIAL AND FARM VEHICLES AND TO DELETE REFERENCE TO CERTAIN USE FEES; AMENDING SECTION 49-435, IDAHO CODE, TO REVISE A CODE REFERENCE AND TO CLARIFY THAT CERTAIN FEES SHALL BE PAID PURSUANT TO APPLICABLE CODE REFERENCES; AMENDING SECTION 49-439, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 49-443, IDAHO CODE, TO PROVIDE CODE REFERENCES, TO REVISE CODE REFERENCES, TO REVISE CERTAIN TRANSFER FEES RELATING TO VEHICLES DESTROYED BY FIRE OR ACCIDENT, TO PROVIDE CERTAIN TRANSFER FEES RELATING TO VEHICLES DESTROYED BY FIRE OR ACCIDENT AND TO PROVIDE EFFECTIVE DATES; AMENDING SECTION 49-450, IDAHO CODE, TO REVISE THE FEE RELATING TO THE ISSUANCE OF PLATES; AND AMENDING SECTION 67-7122, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 99

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

RELATING TO THE IDAHO GRAPE GROWERS AND WINE PRODUCERS COMMISSION; AMENDING SECTION 54-3607, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE WITHDRAWAL OF FUNDS FROM CERTAIN ACCOUNTS AND TO PROVIDE FOR INTERNAL ACCOUNTING CONTROLS.

HOUSE BILL NO. 100

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

RELATING TO THE IDAHO GRAPE GROWERS AND WINE PRODUCERS COMMISSION; AMENDING SECTION 54-3610, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE IMPOSITION OF CERTAIN TAXES AND TO MAKE A TECHNICAL CORRECTION.

HOUSE BILL NO. 101

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

RELATING TO BEEF PROMOTION; AMENDING SECTION 25-2907, IDAHO CODE, TO PROVIDE FOR A REFUND OF BEEF ASSESSMENTS, TO INCREASE THE ASSESSMENT FOR BEEF PROMOTION AND TO REVISE PROCEDURES; AND REPEALING SECTION 25-2908, IDAHO CODE, RELATING TO DISBURSEMENTS.

[H 93](#), [H 94](#), [H 95](#), [H 96](#), [H 97](#), [H 98](#), [H 99](#), [H 100](#), and [H 101](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1043](#), by State Affairs Committee, was introduced, read the first time by title, and referred to the State Affairs Committee.

[S 1047](#) and [S 1048](#), by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

[H 80](#), by Appropriations Committee, was read the second time by title and filed for third reading.

[H 1](#), by Business Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Bedke asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Bedke moved that the House adjourn until 10:30 a.m., Thursday, February 12, 2009. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at
11:34 a.m.

LAWERENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk